

REGULAR WEEKLY SESSION---ROANOKE CITY COUNCIL

May 16, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 16, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS-LANDMARKS/HISTORIC PRESERVATION: The Mayor presented a proclamation to Dr. John Kern, Director, Roanoke Regional Preservation Office, Virginia Department of Historic Preservation, declaring May 2005 as National Historic Preservation Month.

ACTS OF ACKNOWLEDGEMENT-ARCHITECTURAL REVIEW BOARD: Robert N. Richert, Chair, Architectural Review Board, advised that the Board takes pride in recognizing those persons who go out of their way to make improvements to their property in the City of Roanoke's historic districts. On behalf of the Architectural Review Board, he recognized the following property owners:

- Herb Smith, restored by Mark Clark, in recognition of improvements to property located at 1215 Franklin Road, S. W.

- David McCray and John Lipscomb in recognition of improvements to property located at 310 Washington Avenue, S. W.
- Scott Winter, representing Winter Properties Partnership, LLP, and Peter Fields of Fields Construction, Inc., in recognition of Janette Avenue Condominiums at 6th Street and Janette Avenue, S. W.
- Jim and Ann Haynes in recognition of improvements to property at 526 Marshall Avenue, S. W.

PROCLAMATIONS-POLICE DEPARTMENT: The Mayor presented a proclamation to Police Chief Joe Gaskins declaring May 15-21, 2005 as National Police Week.

PROCLAMATIONS-EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation to Fire/EMS Chief James Grigsby declaring May 15-21, 2005, as Emergency Medical Services Week.

PROCLAMATIONS-PUBLIC WORKS: The Mayor presented a proclamation to Robert K. Bengtson, Director of Public Works, declaring May 15-21, 2005, as National Public Works Week. Also accepting the proclamation were Ed Hartman representing the Facilities Management Division, Lloyd Rawley representing the Transportation Division, and Coco Schrader representing Solid Waste Management.

PROCLAMATIONS-BICYCLISTS: The Mayor presented a proclamation to Barbara N. Duerk, representing the Virginia Bicycle Federation, declaring May 2005, as Bike Month.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, April 4, 2005, and recessed until Tuesday, April 12, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 6, 2005, at 2:00 p.m., or as soon thereafter as the matter may be heard, in connection with appropriation of additional funds for the Department of Social Services, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager as above described. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

VIRGINIA ALCOHOL SAFETY ACTION PROGRAM: A communication from Jennifer Pfister tendering her resignation as a member of the Roanoke Valley-Alleghany Regional Commission, was before Council.

Vice-Mayor Fitzpatrick moved that Council accept the resignation and that the communication be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

EASEMENTS-WESTERN VIRGINIA LAND TRUST-WATER RESOURCES: Roger B. Holnback, Executive Director, Western Virginia Land Trust, discussed the potential of placement of a conservation easement on the Carvins Cove Natural Reserve. He displayed a photograph that was taken from the Appalachian Trail, which surrounds 14 miles of the ridge above Carvins Cove, and advised that not only is Carvins Cove a source of the City's water supply, is a national and internationally known resource for citizens and those persons who use the Appalachian Trail.

Mack Cooper, member of the Board of Managers, Appalachian Trail Conference, which is composed of 33,000 members and four million annual users of the Appalachian Trail, spoke in support of continued management of the Carvins Cove area as a primitive, non-motorized, recreational natural area. He advised that the Appalachian Trail Conference is a 501(c)(3) private non-profit organization and is charged with Congressional designated responsibility for the Appalachian National Scenic Trail pursuant to the National Trail Systems Act. He stated that almost 21 miles of the Appalachian Trail surrounds the Carvins Cove area along the crest of Catawba Mountain and the Tinker Cliffs from Virginia 311 to U. S. Route 220; the area is one of the more highly visited areas along the Appalachian Trail, and McAfee's Knob is the second most photographed point

along the entire 2,172 mile long trail. He advised that the Appalachian Trail has fought to ensure adequate protection of this critical visual resource, including a 13 year fight to protect the area from a proposed 765 KV power line that would have bisected the area and severely impacted the resource; and development in surrounding areas threatens to erode the values that are sought by users of the Appalachian Trail and the Carvins Cove area. He stated that the Carvins Cove area should remain in a primitive state that will afford opportunities for continuation of non-motorized back country recreation; and, to this end, the Appalachian Trail Conference has, through its Virginia regional office, and with the City of Roanoke's Department of Parks and Recreation, offered assistance in developing a recreational plan, an inventory of trail sources, and most recently helped to organize and support the 2004 National Trails Day event to build a new multi-use trail in the area. He stated that as development occurs around the boundaries, maintaining the area as an intact, undeveloped, natural area will be crucial to providing visitors with a sense of refuge and remoteness as pressures from development continues. He advised that the Carvins Cove area is an asset to the community in and around the City of Roanoke, as well as the countless users of the Appalachian Trail, and should be permanently protected from development; and affording permanent protection to this natural area will also ensure maintenance of the trail for Appalachian Trail hikers of today and for many future generations. He asked that the City of Roanoke give consideration to maintaining Carvins Cove in its current natural state and the Appalachian Trail Conference looks forward to continuing efforts with the City of Roanoke to protect the Carvins Cove Watershed.

James M. Tuner, Jr., President, Western Virginia Land Trust, read a resolution adopted by the Western Virginia Land Trust urging the City of Roanoke to utilize a conservation easement to protect the Carvins Cove Natural Reserve in perpetuity and offered the services of the Land Trust to work with the City on any plans for Carvins Cove.

Bill Modica, representing the Board of Directors of the Upper Roanoke River Roundtable, a nonprofit citizens group devoted to protection of and stewardship for the Upper Roanoke River Watershed, advised that the Board of Directors adopted a motion to endorse and encourage the request of the Western Virginia Land Trust to create a conservation easement on the City-owned land surrounding the Carvins Cove Reservoir. He further advised that it is believed that implementing this level of protection will better ensure the water quality for Roanoke City residents and enable the recreational uses currently allowed for this valuable property. He stated that the Roundtable wishes to see the area protected from future economic pressure to over develop the reserve in the guise of budget considerations.

Council Member Cutler advised that the City of Roanoke's fiscal year 2006 budget includes funds for preparation of a Master Plan for the Carvins Cove natural area; and later in the day, Council will consider adoption of an ordinance that officially makes the Carvins Cove natural area, which was previously under the administration of the City's Utility Department prior to creation of the Western Virginia Water Authority, an official unit of the City's park system. He stated that

it is hoped that the City will continue to make progress on a Parks Master Plan which will provide the data base for drawing the boundaries for a conservation easement.

Council Member Cutler moved that the resolution adopted by the Western Virginia Land Trust be referred to the City Manager for report to Council to include the process by which staff will work through the master planning process, consideration of a conservation easement and a proposed timetable for the process. The motion was seconded by Mr. Dowe.

Council Member Lea inquired if there are issues of concern relative to establishing a conservation easement; whereupon, the City Manager advised that referring the request to City staff will provide an opportunity to develop information for Council's consideration on the pros and cons; discussions have taken place with regard to creating conservation easements, not only at Carvins Cove, but on portions of Mill Mountain; and the concept of a conservation easement at Carvins Cove is positive because it would preserve the lands in general and in perpetuity in their natural state. However, she added that if an interest develops in future use of the property, it would not be wise to place conservation easements on those portions of the property that might be developed in the future. She noted that the Council and the City administration demonstrated an interest in Carvins Cove when the Council voted to preserve a significant part of the area in its natural state.

There being no further discussion, the motion was unanimously adopted.

POLICE DEPARTMENT: John L. Brownlee, U. S. Attorney, advised that earlier in the day, on behalf of the President of the United States and Project Safe Neighborhoods, and in recognition of National Police Week, he presented a check in the amount of \$100,000.00 to the Roanoke City Police Department to assist the Police Department in its efforts to reduce violent crime. He explained that President Bush established Project Safe Neighborhoods in 2001 as a way to aggressively enforce the nation's gun laws, to educate the public about the penalties for felons possessing firearms, and to provide funding for the community outreach and assistance program. He stated that with the \$100,000.00 grant, it is hoped that the number of violent crimes in the City of Roanoke for the 2005 summer, as a part of Operation Safe Summer, can be reduced in order to make Roanoke an even safer place to live.

He provided an update on certain cases that the Roanoke City Police Department has been involved with during the past six months; officers from Roanoke's Police Department worked with agents from the DEA to arrest, convict and sentence two of Roanoke's most notorious drug dealers; last month, Wendell Johnson, a four time convicted drug dealer from Roanoke pled guilty to conspiracy and possession with the intent to distribute cocaine; and Wendell Johnson, or "Little Wendell" as he was known on the street, had been a major drug dealer in the Roanoke area since the early 1990's, and smuggled cocaine into the area from Texas, North Carolina, Florida and New York. He added that law enforcement officials estimate that Wendell Johnson, since 2003, sold over 100 kilograms of

cocaine, with an estimated street value at over \$10 million; and due to the work of Roanoke City Police Officers, Wendell Johnson will spend the next 22 years in a Federal prison. He advised that over a month ago, Joe Vaughn Manning from Roanoke, pled guilty to conspiracy and possession with the intent to distribute cocaine; Mr. Manning admitted to selling pounds of cocaine in Roanoke twice a week from 1999 to 2004 from his source of supply in North Carolina; law enforcement officials estimate that Mr. Manning sold over 200 kilograms of cocaine, with an estimated street value of over \$20 million; and he will spend the next 18 years in a Federal prison without the possibility of parole. He stated that because of the outstanding efforts of the Roanoke Police Department, these two drug dealers who sold poison to Roanoke's children for years have been removed from the City's neighborhoods for approximately the next 20 years.

In addition to apprehending and convicting the above referenced drug dealers, Mr. Brownlee advised that Roanoke Police Officers have aggressively enforced the gun statute; since 2001, the Office of Attorney General has increased the number of illegal firearm prosecutions by 135 per cent, and many of the cases were developed by the Roanoke Police Department. He commended Roanoke's police officers who have made the City a safer place to live and advised that Roanoke's Police Officers embody the proposition that real service is about giving more than one gets and when it comes to service and giving to the community, men and women from Roanoke's Police force and their families are true role models.

Police Chief Joe Gaskins expressed appreciation to Mr. Brownlee for his support and assistance which has led to a reduction in violent crime and home invasions in the City of Roanoke. He stated that the \$100,000.00 grant will be used to increase the number of hours of bike patrol in the City's neighborhoods, to replace mobile cameras in police vehicles, and programs for Roanoke's youth.

On behalf of the Members of Council, the Mayor expressed appreciation to Mr. Brownlee for his presentation.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-STATE COMPENSATION BOARD: The City Manager submitted a communication concurring in a communication from Brenda S. Hamilton, Clerk of Circuit Court, with regard to acceptance of Technology Trust funds.

A communication from the Clerk of the Circuit Court advising that the Clerk is responsible, by statute, for the recordation of legal instruments which include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders, was before Council.

She advised that the Records must be maintained and made available to the public; the Compensation Board through the Technology Trust Fund has made funds available to be allocated toward contractual obligations for the offices that have indicated that funds are needed; the City's Circuit Court Clerk's Office has been allocated funding in the amount of \$36,590.00 for equipment upgrades and maintenance fees; and acceptance of the funds is vital to meeting year-end budget obligation by the Clerk's Office.

The Clerk of the Circuit Court recommended that Council accept funding from the Compensation Board Technology Trust Fund, in the amount of \$36,590.00, appropriate \$36,590.00 and establish a revenue estimate in the same amount in accounts to be established by the Director of Finance in the Grant Fund.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37058-051605) AN ORDINANCE to appropriate funds for the Compensation Board Technology Trust Fund Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 398.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37058-051605. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37059-051605) A RESOLUTION authorizing the acceptance of funding from the Compensation Board of the Commonwealth of Virginia through the Technology Trust Fund and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

(For full text of resolution, see Resolution Book No. 69, Page 398.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37059-051605. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that a local emergency was declared in the City of Roanoke on September 28, 2004, as a result of flooding; an evaluation of damages to City property was completed by the Department of Risk Management and other operating departments; an assessment of damages was also completed as required for the purposes of flood insurance recoveries; insurance proceeds, in the amount of \$192,071.00, were previously received both in the form of advances and settlements and subsequently appropriated on April 4, 2005; the final insurance settlement in the amount of \$164,275.00 has been received and requires appropriation; and insurance proceeds will offset expenditures resulting from flood damage, clean-up and replacement of lost contents.

The City Manager recommended that Council adopt an ordinance increasing the revenue estimates for insurance proceeds by \$29,037.00 in the General Fund and \$135,238.00 in the Civic Facilities Fund, as follows:

<u>Department</u>	<u>Account</u>	<u>Dollar Amount</u>
Parks	001-620-4340-2300	\$ 25,935.00
Transportation -Street Maint.	001-530-4110-2300	3,102.00
Civic Facilities	005-550-7410-2300	135,238.00

Council Member Dowe offered the following budget ordinance:

(#37060-051605) AN ORDINANCE to appropriate flood insurance proceeds to various departments, amending and reordaining certain sections of the 2004-2005 General and Civic Facilities Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 399.)

Council Member Dowe moved the adoption of Ordinance No. 37060-051605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATION - HOUSING/AUTHORITY - COMMUNITY PLANNING: The City Manager submitted a communication advising that Section 36-52.3, Code of Virginia, provides for local establishment of Rehabilitation Districts by Council resolution; establishment of Rehabilitation Districts permits the City to implement housing programs such as rehabilitation assistance incentives; in addition, Rehabilitation Districts enable the City to establish Neighborhood Design District regulations in the Zoning Ordinance pertaining to new construction and additions to existing structures; and programs are limited to core areas of the City, which Council has designated as Conservation Areas, Redevelopment Areas, or Rehabilitation Districts.

It was further advised that through the neighborhood planning process, staff identified three areas where Rehabilitation Districts should be designated: Washington Park, the southern portion of the Williamson Road area, and portions of Villa Heights; and each of the proposed rehabilitation districts are adjacent to areas embraced in the Harrison Conservation Area approved by Council pursuant to Resolution No. 25373, adopted on November 10, 1980.

It was pointed out that the Washington Park Alliance for Neighborhoods and the Williamson Road Action Forum, in a letter dated February 25, 2005, have requested that the City of Roanoke establish Rehabilitation Districts in their respective neighborhoods.

The City Manager explained that the Code of Virginia requires that a proposed Rehabilitation District must meet two criteria; i.e.: the area must be adjacent to an area embraced in a conservation plan which has been approved by Council pursuant to Section 36-49.1 of the Code of Virginia; the Melrose Rehabilitation District is adjacent to the Harrison Conservation Area; and the proposed Washington Park/Williamson Road Rehabilitation District is a new district which abuts the Harrison Conservation Area approved by Council pursuant to Resolution No. 25373 adopted on November 10, 1980.

It was further explained that the second criterion is that the area is likely to deteriorate if not rehabilitated; four indicators were used to identify the potential for housing deterioration, inasmuch as experience has shown that these factors, if not addressed, are likely to lead to problems with housing maintenance and result in a loss of competitive market position of the neighborhood in relation to the City and the Region:

- Median value in relation to Roanoke's overall housing values
- Owner occupancy rates
- Age of structures
- Resident income levels

Washington Park

- The neighborhood has an extremely low owner-occupancy rate of 27%.
- The median house value is \$48,400.00 (40% less than Roanoke's median of \$80,300.00).
- 79% of the structures are 50 years or older.
- 59% of the residents are at or below poverty level and median household income is \$12,948.00. (58% less than City median of \$30,719.00)

Williamson Road area:

- Owner occupancy rate is 48%, eight points below Roanoke's overall ownership rate of 56%.
- The median house value is \$64,850.00 (19% less than Roanoke's median \$80,300.00).
- 84% of the structures are 50 years or older.
- 23% of residents are at or below poverty level and median household income is \$24,518.00 (20% less than City median of \$30,719.00).

Villa Heights:

- Owner occupancy rate is 71%, 15 points higher than the City's overall ownership rate.
- The median house value is \$57,400.00 (29% less than Roanoke's median of \$80,300.00).
- 89% of the structures are 50 years or older.
- 23% of residents are at or below poverty level and median household income is \$26,513.00 (14% less than City median of \$30,719.00).

It was noted that establishing these areas as Rehabilitation Districts is important to Roanoke's strategy to target rehabilitation activities into selected focus areas; all three neighborhoods are CDBG-eligible; however, without the designation, some resources such as the Rental Rehabilitation Program and extended Real Estate Tax Abatements will not be available; Planning staff reviewed the proposed expansion with the Roanoke Redevelopment and Housing Authority; and on April 11, 2005, the RRHA Board of Commissioners adopted Resolution No. 3320 in support of the proposed Rehabilitation Districts.

The City Manager recommended that Council approve a resolution designating the Washington Park/Williamson Road rehabilitation district and expanding the Melrose rehabilitation district, pursuant to provisions of Section 36-52.3, Code of Virginia (1950), as amended, finding that portions of the City of Roanoke as described in the resolution are deteriorating, and that if such portions of the City are not rehabilitated, such areas are likely to deteriorate to a condition similar to that which exists in the conservation area embraced by, and included in, the Harrison Conservation Plan.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37061-051605) A RESOLUTION expanding the Melrose Rehabilitation District and establishing a new rehabilitation district, the Washington Park/Williamson Road Rehabilitation District.

(For full text of resolution, see Resolution Book No. 69, Page 400.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37061-051605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Council Member McDaniel requested a progress report on successes in other conservation areas of the City of Roanoke.

BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that prior to existence of the Western Virginia Water Authority (WVWA), the Departments of Parks and Recreation and the Roanoke Utilities Department partnered in a joint arrangement that would allow a portion of fees obtained for recreational use at Carvin's Cove to divert back to Parks and Recreation; the funds were used as matching funds for the Virginia Recreational Trails Grant program and other related trail improvements; and were the only operational and/or capital funds that were available to the Department of Parks and Recreation for the routine and capital upkeep of the 30+ miles of trail within the "Reserve".

It was further advised that when the WVWA was formed, \$40,335.00 of funds which remained in the account for Carvin's Cove Trails was transferred to the Authority; the Water Authority has since returned the funds to the City to enable completion of the trail project; and the Department of Parks and Recreation is prepared to utilize the funds to rehabilitate trails within the "Reserve".

The City Manager recommended that Council authorize the Director of Finance to establish a revenue estimate in the amount of \$40,335.00 in Account No. 008-620-9825-9811 (Carvins Cove Planning and Development) and appropriate funding of the same amount in an expenditure account to be established in the Capital Projects Fund.

Council Member Dowe offered the following budget ordinance:

(#37062-051605) AN ORDINANCE to appropriate funding from the Western Virginia Water Authority for the Carvins Cove Planning and Development Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 405.)

Council Member Dowe moved the adoption of Ordinance No. 37062-051605. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Cutler pointed out that it is important for the public to understand that the entrance fee paid by the public to use Carvins Cove as a recreation area is, in fact, earmarked for improvements to Carvins Cove recreational facilities.

Vice-Mayor Fitzpatrick suggested that a sign be erected advising users of the facility that the entrance fee will be used for continued improvements to Carvins Cove.

Ordinance No. 37062-051605 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY CODE-REFUSE COLLECTION-RECYCLING: The City Manager submitted a communication advising that for some time, the Department of Public Works and the Solid Waste Management (SWM) Division has examined trash collection operations in the downtown area, with the primary objectives of keeping trash off the streets, maintaining vehicular traffic flow, encouraging recycling, helping all legitimate businesses and activities to thrive, and enhancing the "Downtown Experience" generally; and a series of meetings with downtown interests since the summer of 2004 resulted in a plan for adjustments to trash collection services, on which Council was briefed on April 4, 2005.

It was further advised that a key component of the plan is an adjustment to the times that Solid Waste Management personnel will collect trash and recyclable paper and cardboard from sidewalks in the Central Business District (CBD); specifically, the collection route currently starts at approximately 5:15 p.m., and will be moved to begin at approximately 3:15 p.m., in order to collect trash from lunchtime traffic while avoiding rush hour vehicular traffic and not detract from outdoor dinner dining; flexible arrangements will be made with establishments that produce large amounts of recyclable paper and cardboard to collect the material at times that are convenient to the establishments, particularly between 6:30 and 9:00 p.m.; and in addition, Solid Waste Management may make unique arrangements for collections in special circumstances, such as the Market Building and special events or weekend events.

It was explained that Section 14.1-19(d) of the Code of the City of Roanoke (1979), as amended, specifies that trash in the Central Business District must be placed out between 5:00 and 9:00 p.m., which is not conducive to the degree of flexibility that is needed to provide high quality waste and recyclable collection service to the diversity of establishments in downtown Roanoke; Section 14.1-6 of the City Code authorizes the City Manager generally to establish rules and regulations regarding waste collection; arrangements for collection of trash and recyclables in the Central Business District should be established by such rules and regulations and adjusted administratively as needed; and allowing arrangements to be made administratively will allow initial steps of the service enhancement plan to be implemented.

The City Manager recommended that Council delete Section 14.1-19(d) of the Code of the City of Roanoke, to allow trash and recyclables collection times in the Central Business District to be established by rules and regulations to be promulgated by the City Manager as authorized by Section 14.1-6 of the Code of the City of Roanoke (1979), as amended.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37063-051605) AN ORDINANCE amending and reordaining §14.1-19, Collection in central business district, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, by deleting requirements pertaining to set-out time for trash and recyclables within the central business district; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 406.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37063-051605. The motion was seconded by Council Member McDaniel.

Lisa Link, representing the Roanoke Regional Chamber of Commerce, commended City staff on the recommendation and on the process that led to the recommendation. She advised that approximately two years ago, the Chamber of Commerce was made aware of plans to change the trash collection procedures and schedules in downtown; the plan presented numerous challenges to downtown businesses and, as originally proposed, would have had a detrimental affect on certain businesses. However, she stated that City staff was willing to work with business owners by not only listening to their concerns, but to develop a plan that would best meet the needs of the businesses and the City of Roanoke. She expressed appreciation for the collaborative process that was undertaken by numerous downtown businesses and the City of Roanoke.

Ordinance No. 37063-051605 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution which also makes it possible for police departments to receive proceeds from forfeited properties; application for an equitable share of property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program and certified by the Chief of Police; property, including funds shared with State and local agencies, may be used only for law enforcement purposes; program requirements mandate that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenue totaling \$43,573.00 has been collected and is available for appropriation in the Grant Fund, Account Nos. 035-640-3302-3299 and 035-640-3302-3300.

It was further advised that in 1986, Congress authorized the transfer of certain Federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; property,

including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement; participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing the necessary investigations equipment, investigative funds, and offsets costs that would otherwise have to be borne by the City's taxpayers; the Police Department receives funds periodically from the Federal government's Asset Sharing Program; grant requirements mandate that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenue totaling \$107,402.00 has been collected and is available for appropriation in the Grant Fund, Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council increase the Grant Fund revenue estimate for Account No. 035-640-3302-3299 be increased by \$2,197.00 and Account No. 035-640-3302-3300 by \$41,376.00 and appropriate \$43,573.00 to Grant Fund - Overtime Wages, Account No. 035-640-3302-1003; increase the Grant Fund revenue estimate for Account No. 035-640-3304-3305 by \$105,450.00 and Account No. 035-640-3304-3306 by \$1,952.00 and appropriate \$107,402.00 to the Grant Fund - Investigations and Rewards, Account No. 035-640-3304-2150.

Council Member Dowe offered the following budget ordinance:

(#37064-051605) AN ORDINANCE to appropriate funding for State Asset Sharing and Federal Forfeited Property Sharing, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 407.)

Council Member Dowe moved the adoption of Ordinance No. 37064-051605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

TRAFFIC-STATE HIGHWAYS: The City Manager submitted a communication advising that the General Assembly approved several amendments to the 2004-2006 biennium budget that continue to promote the VDOT-locality partnership; the amendments establish several initiatives to encourage localities to assume responsibility for all or parts of their construction programs; the Local Partnership Fund initiative designates \$40 million to encourage local governments to assume responsibility for management and administration of certain transportation projects within the locality; to request funds from the Local Partnership Fund, the locality must identify a qualifying project or projects and agree to administer the selected projects; qualifying projects are those that are scheduled for advertisement between July 1, 2005 and June 30, 2006, based on the VDOT

advertisement schedule and Federally funded through the secondary or urban system allocation; Federal funds replaced by the State funds must then be used for another project which qualifies for Federal funding; and applications for Local Partnership Funds are due by June 1, 2005.

It was further advised that the only City project currently eligible for the funds is the Signal & ITS Improvement project listed in the current Six-Year Improvement Plan; the City has agreed to assume control over the project, which includes \$800,800.00 in Federal funds that will be replaced with the same amount of State funds if the project is approved under the program; and the \$800,800.00 in Federal funds will be transferred to the 13th Street and Hollins Road – four-lane project.

The City Manager recommended that Council adopt a resolution supporting an application for allocation of \$800,800.00 through the Virginia Department of Transportation Local Partnership Fund.

Council Member McDaniel offered the following resolution:

(#37065-051605) A RESOLUTION supporting the City of Roanoke's application for an allocation of \$800,800.00 through the Virginia Department of Transportation Local Partnership Fund.

(For full text of resolution, see Resolution Book No. 69, Page 408.)

Council Member McDaniel moved the adoption of Resolution No. 37065-051605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE-PARKS AND RECREATION-GREENWAY SYSTEMS: The City Attorney submitted a written report advising that at the request of Council Member Cutler, an ordinance was prepared for consideration by Council which would amend the City Code to provide a definition for the term "park" as used therein, as well as a statement of purpose for City parks; and the ordinance has been reviewed by the Director of Parks and Recreation, and the Director of Planning, Building and Development.

Council Member Cutler offered the following ordinance:

(#37066-051605) AN ORDINANCE amending Article IV, Parks, Chapter 24, Public Buildings and Property Generally, Code of the City of Roanoke (1979), as amended, by adding a new §24-103, Definition: purpose; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 409.)

Council Member Cutler moved the adoption of Ordinance No. 37066-051605. The motion was seconded by Council Member McDaniel.

Council Member Cutler expressed appreciation to the City Attorney for drafting the proposed ordinance which, if adopted, will define the purposes and appropriate uses of City parks and add City owned land at Carvins Cove and adjoining the Roanoke River, Mill Mountain, Fishburn Parkway and the Blue Ridge Parkway to the City’s park system. He advised that when the Western Virginia Water Authority was created in 2004, ownership of that portion of Carvins Cove Reservation containing the reservoir and the treatment plant was transferred from the City’s Utility Department to the Regional Water Authority; the balance of the Carvins Cove area, consisting of over 10,000 acres, was retained by the City and is currently managed by the Department of Parks and Recreation; and with the passage of the proposed ordinance, the area will officially become part of the City’s park system and represent one of the crown jewels of the City’s park system, along with Mill Mountain Park. He called attention to the importance of creating a great park system for residents of and visitors to Roanoke.

Ordinance No. 37066-051605 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

- \$8,521.00 for the Title I D At-Risk Juvenile Detention Center Reading Teacher program to provide Federal funds to employ a part-time reading teacher at the Juvenile Detention Center, said new program to be 100 per cent reimbursed by Federal funds.
- \$9,650.00 from Title I Assessment funds to purchase scientific and graphing calculators to be used by middle and high school students to implement statewide standards of learning assessment programs, said continuing program to be 100 per cent reimbursed by Federal funds.

- \$8,250.00 for the 2005-06 Western Virginia Regional Science Fair which will be hosted by the City of Roanoke, participating school districts, corporations and individuals will contribute toward the cost of the fair, with a local match cost to Roanoke City Schools (this is a continuing grant).
- \$41,278.00 for the Learn and Serve K-12 Virginia program which is a continuing program to provide hands-on education and career development for students at William Fleming High School and Taylor Learning Academy, said program to be 100 per cent reimbursed by Federal funds.

The School Board further requested transfer of \$1,900,000.00 from facilities funds and debt service reserve to provide funds for 23.6 full time employees and related instructional expenses, for staffing changes in administrative services, and for increased transportation costs for fuel and additional route miles.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Dowe offered the following budget ordinance:

(#37067-051605) AN ORDINANCE to transfer funding to cover staffing and administrative costs of additional school instructional personnel, funding of fuel costs and to appropriate funding for the Title I D At-Risk Juvenile Detention Center Reading Teacher program, the Calculator Grant, the Western Virginia Regional Science Fair, and the Learn and Serve K-12 Virginia program, amending and reordaining certain sections of the 2004-2005 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 410.)

Council Member Dowe moved the adoption of Ordinance No. 37067-051605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

HOUSING/AUTHORITY: Ben J. Fink, Chair, Roanoke Redevelopment and Housing Authority (RRHA), expressed appreciation to Mayor Harris and to Vice-Mayor Fitzpatrick for their input into the development of the following Memorandum of Understanding between the City of Roanoke and the Housing Authority, the goal of which is to establish a closer working relationship between the City and the RRHA.

August 6, 2004

MEMORANDUM OF UNDERSTANDING
BETWEEN THE BOARD OF COMMISSIONERS OF
THE ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY (RRHA)
AND
THE COUNCIL OF THE CITY OF ROANOKE (CITY)

This memorandum of understanding defines the role of the RRHA and the City:

- I. A strong partnership between the City and RRHA is essential to the success of the overall mission of both. The unique powers and roles, when combined in a working partnership, provide the greatest opportunity for addressing the challenging issues facing Roanoke today.
- II. As constituted by Title 36 of the Code of Virginia, the relationship between the City and RRHA is unique among all other organizations in the community. City Council created RRHA and appoints the Board of Commissioners for 4-year terms. For redevelopment and revitalization projects, the City sets policy and direction and RRHA implements the programs and projects of the City. For public housing and Section 8, RRHA is heavily regulated by HUD policies and guidelines in the fulfillment of its responsibilities.
- III. RRHA is charged with three primary responsibilities:
 - a. Maintenance of 1,328 units of public housing in nine developments to serve economically disadvantaged citizens in the City of Roanoke.
 - b. Administration of 1,321 Section 8 rental housing vouchers to assist economically disadvantaged citizens in the City of Roanoke.
 - c. Utilization of redevelopment and rehabilitation powers to assist the City in major economic development and neighborhood revitalization initiatives.
- IV. RRHA and the City agree that all housing initiatives will be jointly developed.
- V. RRHA will explore opportunities to establish a presence in the Downtown Roanoke area in a separate facility in order to more closely facilitate interactions between the staffs of the City and RRHA.
- VI. RRHA and the City will explore and implement methods to partner on code enforcement within the City.

- VII. RRHA and the City will negotiate a percentage of Community Development Block Grant (CDBG) funding as an annual amount to be utilized by RRHA to address housing needs within the City.
- VIII. RRHA and the City will partner to leverage outside funding sources such as grants, HOPE VI programs, etc.
- IX. RRHA will explore ways to pursue regional opportunities for housing and redevelopment and participate with the City in discussions with surrounding jurisdictions about regional housing issues and solutions.

Signed this day, _____ of _____, 2004

By:

Chairman
Board of Commissioners
Roanoke Redevelopment and Housing Authority

Mayor
City of Roanoke, Virginia

Vice-Mayor Fitzpatrick advised that it was pointed out some time ago that there was no written agreement in effect with regard to the City's ongoing relationship with the Roanoke Redevelopment and Housing Authority; therefore, it was suggested that the relationship be formalized. He called attention to discussions with regard to relocating the Housing Authority's administrative offices from the present location on Salem Turnpike to the Noel C. Taylor Municipal Building, Municipal North, which will create better interaction between City staff and Housing Authority staff.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37068-051605) A RESOLUTION authorizing the Mayor to enter into a Memorandum of Understanding dated August 6, 2004, between the Roanoke Redevelopment and Housing Authority and the City of Roanoke.

(For full text of resolution, see Resolution Book 69, Page 411.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37068-051605. The motion was seconded by Council Member Cutler.

There was discussion with regard to amending the following language in the Memorandum of Understanding: "The Roanoke Redevelopment and Housing Authority will explore opportunities to establish a presence in the downtown Roanoke area in a separate facility, in order to more closely facilitate interaction with the staffs of the City and the RRHA."

Following discussion, it was the consensus of Council to delete the word "separate" from the above referenced sentence in the Memorandum of Understanding.

The Mayor requested that Chairman Fink comment on the status of relocating the Roanoke Redevelopment and Housing Authority administrative offices to Municipal North; whereupon, Mr. Fink called attention to a communication addressed to the Mayor under date of May 9, 2005, advising that the RRHA will move its entire central office functions to the Municipal North building; while this includes staff that does not routinely work directly with City staff, from an organizational point of view it is not possible to split the RRHA central office staff to operate in more than one location; over the past several years, the Executive Director has worked hard to develop an integrated staff that works as teams, often across division lines, and to maintain this organizational efficiency which is critical to the success of the Housing Authority, all staff must be located in the same place.

The City Manager advised that at the Council work session on June 6, 2005, City staff will present an outline of the various offices that are proposed to utilize facilities in Municipal North; and assignment of space in Municipal North was delayed pending a decision by the Roanoke Redevelopment and Housing Authority with regard to relocating central office staff.

There being no further discussion, Resolution No. 37068-051605 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY CLERK-ACTS OF ACKNOWLEDGEMENT: Council Member Lea recognized Stephanie M. Moon, CMC, Deputy City Clerk, who was recently appointed as Secretary to the Executive Committee of the Virginia Municipal Clerks Association and reappointed as Director of Region IV.

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: Council Member Lea commended middle and high school students from the Roanoke City Public Schools who participated in the New York NAACP ACT-SO (Academic, Cultural, Technology, Scientific Olympics) competition in the categories of poetry, dance, essays, music, chemistry, filmmaking, playwriting, dramatics, oratory, musical vocals and entrepreneurship.

TRAFFIC: Council Member McDaniel commended the City's efforts with regard to Phase I of traffic calming on Grandin Road, S. W., between Memorial and Westover Avenues.

MILL MOUNTAIN THEATER: Council Member Wishneff commended the Mill Mountain Theater on the recent production of MAHALIA.

BRIDGES: Council Member Cutler read the following article from the Council Update with regard to the status of the Dr. Martin Luther King, Jr. Memorial Bridge.

“Development plans for the restoration of the Dr. Martin Luther King, Jr. Memorial Bridge continue to move forward. Hayes, Seay, Mattern & Mattern’s bridge design work is 90 per cent complete. Project plans have been submitted to VDOT for environmental and historic review, a requirement for the process. A separate contract proposal to incorporate added features to honor Dr. Martin Luther King has been accepted by the City of Roanoke and is in the process of being executed. Norfolk Southern has removed their signals from the existing bridge and constructed a new signal tower separate from the bridge. The bridge project will be advertised for construction bids upon VDOT approval, which is expected by the end of the calendar year.”

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: Council Member Dowe commended the achievements of the following educators in the Roanoke City Public School System:

- Thomas (Tom) F. Fitzpatrick - Roanoke City Public Schools Teacher of the Year
- Michelle M. Dahlquist - McGlothlin Award Winner
- Cynthia D. Delp - Curry School Principal of the Year
- Cameron Srpan - Outstanding High School Chemistry Teacher

He also commended the outstanding contributions of all Roanoke City Public School teachers and administrative staff.

PARKS AND RECREATION-TREES: Vice-Mayor Fitzpatrick called attention to fallen trees along the banks of the Roanoke River in Wasena, Smith and River's Edge Parks. He requested that the matter be referred to the City Manager for report with regard to maintaining public and private property adjacent to the Roanoke River.

The City Manager advised that at the Council's work session on Monday, June 6, 2005, City staff will present a briefing on maintaining the Roanoke River and the appearance of property adjacent to the Roanoke River, which consists of both public and private ownership; and the Mayor has requested that staff initiate a clean up day for the Roanoke River. She stated that education is the key to enlighten property owners that they are responsible for their property which abuts the river; and Colonel Charles R. Alexander, Commander, Wilmington District, will also present a status report on the Roanoke River Flood Reduction Project at the June 6th work session.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENTS-COMPLAINTS: Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., spoke with regard to the citizen complaint process in the Roanoke City Police Department. He advised that six steps have been developed in the process that should be reviewed and revised in order to provide better access to the public in an impartial investigation and specific knowledge of the results of complaints. He proposed the following changes:

- The process currently provides that the complainant will secure a fact sheet at the Police Department for completion and execution. It is recommended that a fact sheet be made available at locations other than the Police Department, such as public housing rental offices, City libraries and other public facilities in the City.
- The process currently provides that the complainant must speak with the supervisor at the Police Department who, in turn, completes the form for the complainant's signature. It is not clear if both actions are to be taken; however it is recommended that neither action be required and that the City of Roanoke establish an Ombudsman's Office and/or an independent citizen review council to address the initial complaint levied by a citizen. The Ombudsman, or independent citizen review council, should be appointed by Council, and composed of citizens representing various ethnic groups and social/economic citizenry of Roanoke.
- The Ombudsman should not be recommended by the Roanoke City Police Department and no police officers should be appointed to serve on the citizen review council; the review council should not be housed in or hold meetings in the Roanoke City Police Department, and the primary mandate of the citizen review council should be to ensure fair and equitable review of all citizen complaints from beginning to end.

- Currently a citizen files a complaint at the Police Department, or a police officer visits the citizen's home; most citizens from low income minority communities do not want to come to the Police Department to complete the form, or have a police officer visit their home because there is not a great deal of trust for any type of law enforcement in the low income minority community and the citizen feels intimidated by the process.

Mr. Omar requested that Council give consideration to the above referenced recommendations in an effort to initiate a citizen complaint process that is as simple and non-threatening as possible for Roanoke's citizens.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, expressed appreciation for the City's willingness to perform a cost analysis with regard to renovating or constructing a new Victory Stadium. He spoke in support of maintaining Victory Stadium as a memorial to those veterans who defended their country in time of war.

COMPLAINTS-LANDMARKS/HISTORIC PRESERVATION-ROANOKE VISION, COMPREHENSION DEVELOPMENT PLAN-SCHOOLS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that development in historic Gainsboro has been hampered by the City's policy of preventing private investment in single family home ownership. She expressed concern with regard to road blocks that have prevented the establishment of a small business outside of the Henry Street District; and possible violation by the City of the Gainsboro Comprehensive Plan. She stated that the Blue Ridge Technical Academy may be relocated from a historic structure (Higher Education Center) within the confines of the Gainsboro area which is now under consideration as a historic district.

CITY MANAGER COMMENTS:

CITY MARKET-CITY MANAGER-REFUSE COLLECTION-LOCAL COLORS: The City Manager advised that she was unaware of the allegations made by Ms. Bethel; therefore, the Assistant City Manager for Community Development will meet with Ms. Bethel immediately following the Council meeting to obtain more information.

The City Manager called attention to the successful Local Colors celebration which was held on May 14 and 15 on the City Market.

She also called attention to Hazardous Waste Collection Day which was held at the Hollins Road Transfer Station on Sunday, May 15. Over 300 families pre-registered for the event and the average wait time for participants was between 15 - 18 minutes which was considerably less than in prior years. She stated that the next Hazardous Waste Collection Day will be held on Sunday, August 7, 2005.

At 4:00 p.m., the Mayor declared the Council meeting in recess for three Closed sessions.

At 5:05 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Vice-Mayor Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that the term of office of Sherman A. Holland as a member of the Youth Services Citizen Board, expired May 31, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Aaron Ewert.

There being no further nominations, Mr. Ewert was appointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2008, by the following vote:

FOR MR. EWERT: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

The Mayor announced that pursuant to Resolution No. 37042-050405, adopted by Council on Wednesday, May 4, 2005, the 7:00 p.m. Council Meeting was cancelled. (No public hearings were advertised to be held.)

There being no further business, at 5:10 p.m., the Mayor declared the Council meeting adjourned

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
